

§ 34.11

President's *Decision*, or the implementing rules, regulations, or orders thereunder, the Federal Inspector will attempt to resolve the matter by informal methods of conference, conciliation, and persuasion.

(4) Resolution shall be effected through a written agreement between the Federal Inspector, the complainant, if any, and the person who has failed to comply. The agreement shall contain commitments to promptly eliminate all discriminatory conditions, shall identify the precise remedial actions to be taken and dates for completion of remedial actions, and shall include a provision that breath of the agreement may result in further enforcement actions by the Federal Inspector. The Federal Inspector will then certify compliance, on condition that the commitments are kept. Such certification will not preclude a subsequent determination by the Federal Inspector that the full facts were not known at the time agreement was executed, or the commitments undertaken are not sufficient to correct deficiencies.

(5) If the Federal Inspector's investigation does not warrant enforcement action, the Federal Inspector shall so inform the complainant, if any, and the person who was investigated. The complainant shall also be notified of any action taken including the achievement of voluntary compliance.

(6) Between the period of these effective dates of these regulations and the effective date of the enforcement procedures established by the Federal Inspector, pursuant to paragraph (d)(1) of this section, the Federal Inspector shall at a minimum adhere to paragraphs (d)(2) through (5) of this section.

(e) *Acts of intimidation or retaliation prohibited.* No person shall intimidate, threaten, coerce, harass, or retaliate against any individual for the purpose of interfering with any right or privilege secured by section 17, Condition 11 the President's *Decision*, and implementing rules, regulations, orders, because such individual has opposed a practice prohibited by section 17 or by this part, made a complaint, testified, assisted in, benefited from, or participated in any manner in an investigation, compliance review, proceeding or

43 CFR Subtitle A (10–1–10 Edition)

hearing, conducted pursuant to these regulations. The identity of complainants may be kept confidential except to the extent necessary to carry out the purpose of this part, including investigatory actions, hearings, or judicial proceedings.

§ 34.11 Enforcement sanctions.

The provisions of section 17, the President's *Decision*, and implementing rules, regulations, and orders, as appropriate, will be enforced through:

(a) The issuance of a compliance order by the Federal Inspector pursuant to section 11 of ANGTA; or

(b) The commencement of a civil action for appropriate relief, including a permanent or temporary injunction, or a civil penalty not to exceed \$25,000 per day; or

(c) By any other means authorized by law.

PART 35—ADMINISTRATIVE REMEDIES FOR FRAUDULENT CLAIMS AND STATEMENTS

Sec.

35.1 Basis and purpose.

35.2 Definitions.

35.3 Basis for civil penalties and assessments.

35.4 Investigation.

35.5 Review by reviewing official.

35.6 Prerequisites for issuing a complaint.

35.7 Complaint.

35.8 Service of complaint.

35.9 Answer.

35.10 Default upon failure to file an answer.

35.11 Referral of complaint and answer to the ALJ.

35.12 Notice of hearing.

35.13 Parties to the hearing.

35.14 Separation of functions.

35.15 Ex parte contacts.

35.16 Disqualification of reviewing official or ALJ.

35.17 Rights of parties.

35.18 Authority of the ALJ.

35.19 Pre-hearing conferences.

35.20 Disclosure of documents.

35.21 Discovery.

35.22 Exchange of witness lists, statements and exhibits.

35.23 Subpoenas for attendance at hearing.

35.24 Protective order.

35.25 Fees.

35.26 Form, filing and service of papers.

35.27 Computation of time.

35.28 Motions.

35.29 Sanctions.

35.30 The hearing and burden of proof.